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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,066	02/11/2004	Michael Stefan Leoniak	FIZZ122362	2100
26389 7590 01/30/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/776,066

Applicant(s)

LEONIAK, MICHAEL STEFAN

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 23-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/28/05, 2/11/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Acknowledgement is made of Response to Restriction Requirement filed October 26, 2006, which applicants provisionally elects to prosecute claims 1-22 with limited traverse. Accordingly, claims 1-22 are being examined and claims 23-25 have been non-elected as set forth in the Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bunte et al. (US 5,821,523; hereinafter "Bunte").

Re claims 1, 3, 9, 13-20: Bunte teaches an electronic screen display (114 in fig. 1), comprising:

a screen (114);

a memory (910, 936 in fig. 9; col. 18, line 5 through col. 20, line 11) storing digital content for display on the screen;

a processor (906, 930 in fig. 9; col. 18, line 5 through col. 20, line 11) communicatively coupled to the memory and the screen; and

wherein the processor is configured to obtain digital content from the memory and generate signals causing a primary display to appear on the screen (1110-1114 in fig. 11); and

a sensor (914) communicatively coupled to the processor (906, 936) such that, when activated by sensing a light signal emitted from an external device (reflected light from an illuminated object sensed by the photo-detector; col. 3, lines 15+; col. 11, lines 41-64) being used to read information from the primary display on the screen (i.e., search image for coded images, which is displayed as shown in steps 1110-1114 in fig. 11), the sensor causes the processor to obtain further digital content from the memory and generate signals causing a secondary display to appear on the screen (i.e., after the coded target is decoded, the processor transmits the results to the user; col. 23, lines 54+) (steps 1118-1124 in fig. 11).

Re claims 4-5: Bunte teaches wherein the sensor (914) is comprised of a photocell (col. 18, lines 33-65).

Re claims 6-8 and 21-22: Bunte teaches wherein the sensor (914) is configured to activate only when sensing a predefined light signal (i.e., the reflected light; col. 6, lines 42-65).

Re claims 10-12 and 19-20: Bunte teaches the processor is further configured with a clock function that causes a timed appearance of the primary display (e.g., a duration/fixed-duration between the capture of subsequent images may be established by a user... col. 6, lines 1-14; col. 11, lines 18-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Wang et al. (US 5,659,167; hereinafter "Wang"). The teachings of Bunte have been discussed above.

Bunte fails to specifically teach wherein the screen is a thin, flexible screen comprised of light emitting diodes, liquid crystal display, a light emitting polymer material, or an electroluminescent display.

Wang teaches a code reader wherein the screen display 16 is a liquid crystal display (col. 3, lines 46-61).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the well-known liquid crystal display (LCD) as taught by Wang to the teaching of Bunte in order to provide a commonly used screen display (LCD) to his/her code reader. Such modification would have been an obvious expedient from Bunte.

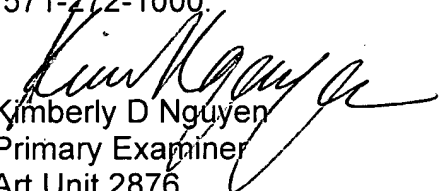
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kimberly D Nguyen
Primary Examiner
Art Unit 2876

January 20, 2007